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a a feed tube extended from exterior of said tunnel and exterior  
of a bag mounted on said tunnel and into the tunnel, said feed tube  
defining a feed path for a conduit for directing a conduit through  
the open end of the bag and into the bag.

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#### REMARKS

The Examiner's indication of allowability of Claims 7 and 8 is  
noted with appreciation. However, applicant has been made aware of  
a recently issued patent to Cullen, U.S. Patent No. 5,345,744, a  
copy of which is enclosed. Applicant's invention predates the  
Cullen patent and is believed to predate the Cullen invention.  
Claims 7 and 8 of the present application (rewritten in independent  
form) are being filed in a divisional application requesting  
interference with the above patent under 37 CFR §1.607.

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In accordance with the Examiner's restriction requirement,  
applicant elected Group I, Claims 1-9. The non-elected Group II,  
Claims 10-12, have been filed in a divisional application, Serial  
No. 08/296,314.

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The claims remaining in the present application are Claims 1-6  
and 9.

Claim 6 is rejected as being anticipated by Eggenmuller  
(3,687,061) noting in particular "feed tube 32". The Eggenmuller  
disclosure has been carefully reviewed. What the Examiner refers

to is a "channel 32" which is briefly described in the Eggenmuller patent at Col. 2, lines 50-54 and again at Col. 5, lines 59-64. Similarly, a channel 56 is illustrated at the top of the bag in Fig. 11 and described at Col. 7, lines 61-65.

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Channel 32 is formed in the bagged material by a "pressing process" (as is channel 56) or the channel is "permanently installed". Channel 32 is not a feed tube extended from exterior of said tunnel and exterior of said bag, into the tunnel. The "feed tube" of the Claim 6 is shown as tubes 50 in Fig. 3 having ends 52 extended from exterior of the tunnel and exterior of a bag mounted on the tunnel. The feed tubes provide the means for the conduit to be fed into the bag opening as the bag is filled. Respectfully, nothing in Eggenmuller provides such a feed tube.

10 Channel 32 is not explained except that it is a channel "provided under the food mass which channel is either permanently installed in the bottom or is produced during the pressing process by suitable means." (The "suitable means" is not explained.) A feed tube is not required for "press forming a channel" into the

15 material or for permanent installation of a channel. Reconsideration and allowance of Claim 6 is respectfully requested.

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Claims 1-5 and 9 are rejected as unpatentable over Eggenmuller in view of Meyer. As now clarified by the amendments to Claim 1, applicants claimed process provides for the deployment of a perforated conduit into the bag and substantially along the length


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of the bag. Eggenmuller, as explained above, provides a channel that is permanently installed or is press formed into the bagged material. There is no deployment of a conduit during the bagging process. Meyer similarly does not provide for deployment of a conduit during the bagging process. Applicant's Claims 1-5 and 9 as clarified are believed clearly distinguished from the combination of Eggenmuller and Meyer.

Re: Cullen U.S. Patent No. 5,345,744

Applicant anticipates a §103(e) rejection based on the newly issued Cullen patent. Applicant has reviewed the Cullen patent and its file wrapper. Clearly the distinguishing feature of Cullen's single claim is the provision of a reel means for holding the conduit. Applicant's claims in the present application as amended are directed to a different invention and provided herewith is a declaration under 37 CFR 1.131 swearing back of the patent's filing date. This declaration is believed to remove the anticipated §103(e) rejection and, accordingly, place the case in condition for allowance, which action is respectfully requested.

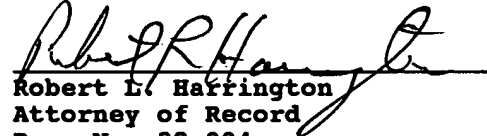
Respectfully submitted,

  
Robert L. Harrington  
Attorney of Record  
Reg. No. 20,994

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Robert L. Harrington  
Attorney of Record  
Reg. No. 20,994